

20 June 1983

The Honorable Robert McClory



Bob:

Appreciate your article in the Christian Science Monitor re covert action. Every little bit helps.

Wish you the best of luck--keep thinking of us.

Regards,

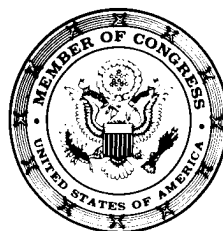
John M. McMahon

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ROBERT McCLORY
13TH DISTRICT, ILLINOIS

★
ROOM 2469
RAYBURN HOUSE OFFICE BLDG.
TELEPHONE: AREA 202-225-5221



John *June 2, 1983*
I thought this might
be of interest to you
Bob McClory

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OPINION AND COMMENTARY

Covert action is up to the President — not Congress

By Robert McClory

Well-grounded fears of an ever-increasing involvement in the political and military battles being waged in Nicaragua and El Salvador are giving rise to demands for the Congress to assume a larger role in covert intelligence decisionmaking.

From the time the Central Intelligence Agency was established in 1947 until 1974, covert (or secret) projects of US intelligence agencies were undertaken with no accountability whatever to the Congress.

In 1974 the Hughes-Ryan amendment was attached to the foreign assistance authorization bill which required the CIA to report all covert projects to a total of eight House and Senate committees. Restrained by that kind of requirement, covert actions came virtually to a standstill.

The action taken by Congress in 1980 reducing the reporting requirement of the intelligence agencies to two select committees on intelligence, i.e., the House and Senate Select Committees on Intelligence, was intended as a permanent solution to the problems of excessive or ill-conceived "covert" projects.

The specific statutory authority adopted at that time imposes upon the president of the United States the requirement to report all covert activities to these two congressional committees "in a timely fashion." Former President Carter interpreted this language to permit him to postpone the reporting of the abortive hostage rescue mission of 1980 until after that covert project had ended in a stark and humiliating disaster.

Despite the tragedy and Carter's inexcusable delay in informing the members of the

House and Senate intelligence committees, several members who are sharply critical of President Reagan's present reporting practices were noticeably silent when Carter's representatives finally tried to explain why the mission had been so poorly planned and so miserably executed.

Still, there was no demand then, as there appears to be now, that congressional oversight of covert actions should be subject to approval or "veto" by one or the other of the congressional intelligence committees.

Too often members of the intelligence committees of the House and Senate are plagued by one or two members who utilize their committee positions for publicity or political ends. This should be particularly noticeable today while great national attention is focused on covert actions in Central America, which seem to be largely misunderstood and where the "cover" of some of those participating in the covert actions has been blown by media zealots who regard the public's right to know above the need to protect the identity of those whose safety is endangered by media exposure.

It is or should be no secret that numerous covert actions may be deemed necessary in order to protect America's vital national security interests. That responsibility is necessarily vested in the president and the executive branch of the US government. Any temporary public, congressional, or media dissatisfaction with decisions relating to US national security should not justify substituting judgments formulated by a committee of the Congress (the legislative branch) for what is necessarily an executive department prerogative.

Some may even question the wisdom of the establishment of the two intelligence committees in the House and Senate. It might be preferable to vest that entire authority in the executive branch and then hold the executive accountable for intelligence failures and abuses. A temporary congressional committee could then investigate and report its findings. This was the purpose of the Pike and Church committees which the Congress created in 1975.

A more logical oversight committee for keeping a constant check on the CIA is the president's Foreign Intelligence Advisory Board (PFIAB), currently headed by the very capable Anne Armstrong, former US ambassador to Great Britain and former presidential assistant. Such other members of PFIAB as Alan Greenspan and Eugene Rostow are fully competent to review proposed covert actions and probably better able to do so than members of the congressional intelligence committees, all of whom have other committee assignments to attend to.

Individual or committee-inspired letters protesting a proposed covert project can be fraught with potentially dangerous consequences, as occurred a little over a year ago when erroneous information from such a letter was "leaked" to a newsmen. We should be thankful that Libyan leader Qaddafi (who was erroneously identified as the subject of a covert action) did not retaliate militarily or with a terrorist mission.

Another abortive effort to frustrate policy positions in Central America occurred when a "staff report" was published following the initiative of a few members of the House intelligence committee. This may have strained re-

lations between the committee and the CIA but it did nothing to advance US national interests.

The more recent suggestion is for a congressional "veto" or the substitution of the judgment of the House or Senate intelligence committee for what is clearly a responsibility reposed in the president and the intelligence agencies of our nation. Such is not the law today, and it seems unlikely that a committee of the Congress could fulfill such a role.

Several additional observations seem to me to be pertinent. First, there is the question as to why a policy should be implemented by covert as opposed to overt action. The CIA and other intelligence agencies have a great preference for secret, undercover activity. Even when overt and aboveboard military or economic aid would have broad public acceptance, the intelligence community seems bent on concealing its actions.

Still, in other instances, the beneficiaries of US aid frequently insist that the aid must be furnished clandestinely. When this develops — as it does — we are left with no alternative but to help our cooperating friends or allies in the manner in which they choose to be aided. That attitude could explain some not-so-covert actions taking place today in which the American public and the President may be overtly supportive.

At any rate, committees of the Congress can do little or nothing to ease this dilemma.

Robert McClory is a former member of Congress from Illinois and a member of the House Select Committee on Intelligence from its inception in 1976 until his retirement in January 1983.

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